

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EMERY L.D.,

Plaintiff,

Case No. 24-cv-10713

Hon. Matthew F. Leitman

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER (1) GRANTING IN PART PLAINTIFF’S MOTION FOR  
SUMMARY JUDGMENT (ECF No. 12), (2) DENYING IN PART  
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT (ECF No. 14),  
AND (3) REMANDING THIS ACTION FOR FURTHER  
ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff Emery L.D. challenges the denial of Child’s Insurance Benefits under the Social Security Act. (*See* Compl., ECF No. 1.) Emery L.D. and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* Motions, ECF Nos. 12, 14.)

On March 14, 2025, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant Emery L.D.’s motion in part, deny the Commissioner’s motion in part, and remand this action to the Commissioner for further administrative proceedings. (the “R&R”). (*See* R&R, ECF No. 17.) At the conclusion of the R&R, the Magistrate Judge informed the

parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.1005-1006.)

Neither party has filed objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because neither party has objected to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation to grant Emery L.D.’s motion for summary judgment in part and deny the Commissioner’s motion for summary judgment in part is **ADOPTED**.

**IT IS FURTHER ORDERED** that:

(1) Emery L.D.’s motion for summary judgment (ECF No. 12) is **GRANTED IN PART** as described in the R&R;

(2) the Commissioner's motion for summary judgment (ECF No. 14) is **DENIED IN PART** as described in the R&R; and

(3) this action is **REMANDED** to the Commissioner for further administrative proceedings consistent with the R&R and this Order.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 31, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 31, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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